

### **REMARKS**

This responds to the Office Action mailed on May 16, 2007. Claims 1, 7, 8, 12, 25, 28 are amended, claims 6, 11, 16-24 and 31-33 are canceled, and claims 34-36 are added; as a result, claims 1-5, 7-10, 12-15, 25-30 and 34-36 are now pending in this application.

#### **§101 Rejection of the Claims**

Claims 25-33 were rejected under 35 USC § 101 as being directed to non-statutory subject matter. Applicant has amended the specification at ¶0128. Accordingly, Applicant respectfully submits that the rejection of claims 25-33 under 35 USC § 101 has been overcome.

#### **§102/103 Rejection of the Claims**

Claims 1, 4-5, 8-10, 16-18, and 21-33 were rejected under 35 USC § 102(e) as being anticipated by Trostle (U.S. 6,718,467 B1). Claims 2-3 and 19-20 were rejected under 35 USC § 103(a) as being unpatentable over Trostle (U.S. 6,718,467 B1) in view of Mitchell et al. (U.S. 6,950,522). Claims 6-7 and 11-15 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has amended claims 1, 8, 25 and 28 to incorporate allow limitations as noted in the Office Action at ¶13. Accordingly, Applicant respectfully submits that claims 1-5, 7-10, 12-15, 25-30 and 34-36 are patentable over the cited art. Applicant has canceled claims 16-24 and 31-33 to expedite allowance. Accordingly, the rejection of claims 16-24 and 31-33 is moot. However, Applicant reserves the right to pursue such claims in a continuation application.

### **RESERVATION OF RIGHTS**

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any

reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

### CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney ((612) 371-2103) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,


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10-12-07

By

  
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